

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
MONDAY, JULY 10, 2006  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):**

**CS-1    *City of San Diego v. D.R. Horton, et al*  
San Diego Superior Court Case No. GIC 777603-1**

DCA assigned: L. FitzGerald

This case involves an eminent domain action brought to acquire property needed for State Route 56. In closed session, the Mayor's office will recommend settlement of this case.

**CS-2    *City of San Diego v. Chapin*  
San Diego Superior Court Case No. GIC 863096**

DCA assigned: C. Fitzgerald

This matter is a pending lawsuit filed by the City of San Diego against former deputy city attorney and SDCERS general counsel Loraine Chapin. The lawsuit alleges Ms. Chapin breached fiduciary duties and violated Government Code Section 1090. In closed session, a deputy city attorney will brief the Council on the status of the matter. The council also will consider a request by Ms. Chapin's counsel for dismissal of the case and if not, consideration of whether a defense should be provided under California Government Code Section 995.

**CS-3    *San Diego City Employees Retirement System v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC841845**

EACA assigned D. McGrath

This case was originally filed by SDCERS for declaratory relief. In closed session, the City Attorney will brief the Council on the status of the matter and request retention of Aleshire & Wynder, LLP as outside counsel to assist with pension roll back cases.

**CS-4 *Marcus R. Abbe, et al. v. City of San Diego, et al.*  
United States District Court No. 05 CV 1629**

EACA assigned: D. McGrath

This matter is a class action filed by numerous police officers alleging violations of the memorandum of understanding with the City of San Diego. In closed session the City Attorney will brief the Council on the status of the matter and request retention of outside counsel in the matter.

**CS-5 *Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development v. City of San Diego*  
San Diego Superior Court Case No. GIC 857723**

DCA assigned: M. Dickenson

This matter involves a Declaratory Relief action which challenges the City's pattern and practice of processing condo conversion applications. The City Attorney requests that the Mayor and City Council consider a possible settlement of this case in closed session.

**CS-6 *Howard DeYoung, et al. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 849647**

DCA assigned: J. Riley

This matter involves allegations that the City violated a 1984 settlement agreement regarding preferential tee-times at the Torrey Pines Golf Course. In closed session the City Attorney will brief the Council on the status of matter.

**Public employment - performance evaluation, pursuant to California Government Code Section 54957(b)(1):**

**CS-7 Title: Independent Budget Analyst**

**CS-8 Title: City Clerk**